



"VALID THRU SEPTEMBER 30, 2005"

Federal Equitable Sharing Agreement



Law Enforcement Agency: _____ ☐ Check if New Participant

☐ Police Department

☐ Sheriff's Office/Department

☐ Task Force ¹

☐ Prosecutor's Office

☐ Other

Contact Person: _____ E-mail Address: _____

Mailing Address: _____
(Street) (City) (State) (Zip Code)

Telephone Number: (_____) _____ Fax Number: (_____) _____

Agency Fiscal Year Ends on: _____ NCIC/ORI/Tracking No.: _____
(Month/Day)

This Federal Equitable Sharing Agreement entered into among (1) the Federal Government, (2) the above-stated law enforcement agency, and (3) the governing body sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably-shared with participating law enforcement agencies. By their signatures, the parties agree that they will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal equitable sharing program.

- 1. Submission.** The Federal Equitable Sharing Agreement and the Federal Annual Certification Report must be submitted to **both** the Department of Justice and the Department of the Treasury with a copy provided to the U.S. Attorney in the district in which the recipient law enforcement agency is located, in accordance with the instructions received from the respective departments or as outlined in their equitable sharing guidelines.

U.S. Department of Justice/ACA Program
10th and Constitution Avenue, NW
Criminal Division/AFMLS
Bond Building, Tenth Floor
Washington, DC 20530
E-mail address: afmls.aca@usdoj.gov
Fax: (202) 616-1344

Executive Office for Asset Forfeiture
U.S. Department of the Treasury
740 15th Street, NW, Suite 700
Washington, DC 20220
E-mail address: treas.aca@teoaf.treas.gov
Fax: (202) 622-9610

- 2. Signatories.** This agreement must be signed by the head (or authorized representative) of the law enforcement agency *and* the head (or authorized representative) of the governing body. ***Receipt of the signed agreement is a prerequisite to receiving any equitably-shared cash, property, or proceeds.***
- 3. Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern equitable sharing, and as specified in the equitable sharing request (either a DAG-71 or a TDF 92-22.46) submitted by the requesting agency.
- 4. Transfers.** Before the undersigned law enforcement agency transfers cash, property, or proceeds to other law enforcement agencies, it must verify first that the receiving agency has a current and valid Federal Equitable Sharing Agreement on file with both the Department of Justice and the Department of the Treasury. If there is no agreement on file, the undersigned law enforcement agency ***must*** obtain one from the receiving agency, and forward it to the Department of Justice and the Department of the Treasury as in item 1. A list of recipients, their addresses, and the amount transferred must be attached to the Federal Annual Certification Report.

¹ Attach list of member agencies with their addresses and indicate lead agency.

5. Internal Controls. The parties agree to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The recipient agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and the Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal forfeiture fund account.

The parties agree that such accounting will be subject to the standard accounting requirements and practices employed for other such public monies as supplemented by requirements set forth in the current edition of the Department of Justice's *A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies (Justice Guide)*, and the Department of the Treasury's *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide)*. The accounting of shared funds must be submitted in the format shown on the Annual Certification Report contained in both the *Justice* and *Treasury Guides*.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice* or *Treasury Guides*, depending on the source of the funds or property.

6. Federal Annual Certification Report. The recipient agency shall submit an Annual Certification Report to the Department of Justice and the Department of the Treasury (at the addresses shown in item 1) and a copy to the U.S. Attorney in the district in which the recipient agency is located. The certification must be submitted in accordance with the instructions received from the respective departments or as outlined in the *Justice* or *Treasury Guides*. ***Receipt of the certification report is a prerequisite to receiving any equitably-shared cash, property, or proceeds.***

7. Audit Report. Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and the Department of the Treasury reserve the right to conduct periodic random audits.

8a. During the past 3 years, has your agency been found in violation of, or entered into a settlement agreement pursuant to, any nondiscrimination law in federal or state court, or before an administrative agency?

☐ Yes ☐ No (If you answered yes, attach relevant information. See instructions.)

8b. Are there pending in a federal or state court, or before any federal or state administrative agency, proceedings against your agency alleging discrimination?

☐ Yes ☐ No (If you answered yes, attach relevant information. See instructions.)

The undersigned certify that the recipient agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 *et seq.*), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity.

Under penalty of perjury, the undersigned officials certify that the recipient state or local law enforcement agency is in compliance with the provisions of the *Justice* and/or *Treasury Guides* and the National Code of Professional Conduct for Asset Forfeiture.

Name (Print or Type) Date
Law Enforcement Agency Head or Authorized Representative

Name (Print or Type) Date
Governing Body Head or Authorized Representative

(Signature)

(Signature)

Title (Print or Type)

Title (Print or Type)

Federal Equitable Sharing Agreement Instructions

(Please retain these instructions for your records)

Law Enforcement Agency: Enter the complete name of your state or local law enforcement agency (*e.g.*, Anytown Police Department). This must be consistent with the DAG-71. Check the appropriate box to indicate type of agency. Acronyms should be spelled out. If a task force, provide a list of member agencies, addresses, and lead agency, if designated.

New Participant: Check this box if your agency has never received any cash, proceeds, or property from the equitable sharing program.

Contact Person: Enter the name of the person who can provide additional information on the sharing agreement form.

E-mail Address: Enter the e-mail address of the contact person or the e-mail address of the agency.

Mailing Address: Enter your agency's complete mailing address (number, street, city/town, state, and zip code).

Telephone Number: Enter the phone number of the contact person, including area code and extension.

Fax Number: Enter your agency's fax number including area code.

Agency Fiscal Year Ends on: Enter the ending date (month/day) of your agency's fiscal year; *e.g.*, 6/30.

NCIC/ORI/Tracking No.: Enter your valid FBI-issued National Crime Information Center (NCIC)/ORI code -- *e.g.*, CA0000000 -- or tracking number assigned by AFMLS.

Civil Rights Provision: Police departments, sheriffs' departments, prosecutors' offices, and other law enforcement agencies that receive federal financial assistance from the Department of Justice (DOJ) are subject to the provisions of: (1) Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin; (2) Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in training and educational programs; (3) Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability; and (4) the Age Discrimination Act of 1975, which prohibits discrimination on the basis of age. Federal financial assistance includes funds, training and technical assistance, logistical support, and property transfers from DOJ including equitable sharing. Agencies receiving assistance are required to permit DOJ investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights laws. **If the "yes" box is checked in 8a and/or 8b, provide the following information: the name of the case; a summary of the complaint; and the status of the case. For example: Jones v. Anytown Police Department; sex discrimination; settled. Please do not send a copy of the complaint.**

Law Enforcement Agency Head or Authorized Representative: The head of your law enforcement agency (or the authorized representative) must sign and date the form. (Examples of law enforcement agency head or authorized representative include the following: police chief, district attorney, sheriff, undersheriff, deputy chief.) Name and title of the signatory must be printed or typed. By signing the agreement, the head of the law enforcement agency (or the authorized representative) certifies that the receiving state or local law enforcement agency is in compliance with the *Justice and Treasury Guides*, and agrees to be bound by the statutes and guidelines which regulate the equitable sharing program.

Governing Body Head or Representative: The head of your governing body (or the authorized representative) must sign and date the form. (Examples of governing body head or authorized representative include the following: city manager, county executive, mayor, county judge.) Name and title of the signatory must be printed or typed. By signing the agreement, the head of the governing body (or the authorized representative) certifies that the receiving state or local law enforcement agency is in compliance with the *Justice and Treasury Guides*, and agrees to be bound by the statutes and guidelines which regulate the equitable sharing program. For purposes of this form, a governing body is an institution or organization that has appropriations authority -- that is, the agency that gives your agency its budget -- over the state or local law enforcement agency. **A law enforcement official should not sign for the governing body unless he/she has appropriations authority.**